

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of the Applications of)	
)	
HISPANIC INFORMATION AND)	
TELECOMMUNICATIONS NETWORK, INC.)	File No. BPIF-19951016BR
)	
For a New Instructional Television Fixed Service)	
Station on the A Group Channels at Anderson,)	
Indiana)	
)	
and)	
)	
HISPANIC INFORMATION AND)	File No. BPLIF-951016BM
TELECOMMUNICATIONS NETWORK, INC.)	
)	
For a New Instructional Television Fixed Service)	
Station on the C Group Channels at Indianapolis,)	
Indiana)	
)	
and)	
)	
BALL STATE UNIVERSITY)	File No. BPLIF-951020RH
)	
For a New Instructional Television Fixed Service)	
Station on the A Group Channels at Anderson,)	
Indiana)	
)	
and)	
)	
)	
BALL STATE UNIVERSITY)	File No. BPLIF-951020HU
)	
For a New Instructional Television Fixed Service)	
Station on the B Group Channels at Kokomo,)	
Indiana)	
)	

MEMORANDUM OPINION AND ORDER

Adopted: November 12, 2003

Released: November 14, 2003

By the Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau:

I. INTRODUCTION

1. In this *Memorandum Opinion and Order*, we consider two petitions for reconsideration filed by Hispanic Information and Telecommunication Network, Inc. (HITN) seeking reconsideration of the dismissal of HITN's applications for new Instructional Television Fixed Service (ITFS) stations at Anderson and Indianapolis, Indiana.¹ We also consider a related petition to deny filed by HITN against the captioned application filed by Ball State University (Ball State) for a new ITFS station at Kokomo, Indiana,² and a petition to stay filed by HITN seeking a stay of the grant of Ball State's application for a new ITFS station at Anderson, Indiana.³ For the reasons stated, we deny HITN's petitions for reconsideration, dismiss its petition to deny against Ball State's Kokomo Application, and deny its petition for stay against the Ball State Anderson application.

II. BACKGROUND

2. On February 25, 1993, the Commission imposed a freeze on the acceptance of new and major change ITFS applications.⁴ As an exception to that freeze, however, the Commission stated that it would continue to accept (but not process) applications in which the applicant relies on NTIA for construction funds because NTIA required applicants to file applications with the Commission before seeking funding.⁵ The Commission stated that such applications would be cut off as of the end of the first filing window.⁶

3. On May 12, 1994, HITN submitted an application for a new ITFS station on the A Group channels at Anderson, Indiana.⁷ HITN filed this application pursuant to the exception for applications that relied on NTIA funding.⁸ On May 12, 1994, HITN submitted an application for a new ITFS station on the C Group channels at Indianapolis, Indiana pursuant to the same exception.⁹

¹ Petition for Reconsideration And, Alternatively, Application for Review, File No. BPLIF-951016BR (filed Dec. 30, 1998) (Second Anderson Petition); Petition for Reconsideration And, Alternatively, Application for Review, File No. BPLIF-951016BM (filed Jan. 19, 1999) (Second Indianapolis Petition). We note that HITN requests that if it is determined that a petition for reconsideration does not lie, that its petitions be considered as an application for review. Second Anderson Petition at 1 n.1, Second Indianapolis Petition at 1 n.1. This request is contrary to Section 1.44(a) of the Commission's Rules, which states that requests for Commission action shall not be combined with requests for action by delegated authority. 47 C.F.R. § 1.44(a). In this case, however, we conclude that consideration of the Second Anderson Petition and Second Indianapolis Petition are in the public interest in order to consider fully HITN's arguments. See 47 C.F.R. § 1.106(c)(2).

² Petition to Deny (filed Sep. 21, 1998) (Kokomo Petition).

³ Request for Stay (filed Feb. 3, 1999) (Stay Request).

⁴ Amendment of Part 74 of the Commission's Rules With Regard to the Instructional Television Fixed Service, MM Docket No. 93-24, *Notice of Proposed Rulemaking*, 8 FCC Rcd 1275, 1277 ¶ 9 (1993).

⁵ *Id.*

⁶ *Id.*

⁷ File No. BPLIF-951016BR (Anderson Application).

⁸ See Letter from Benjamin Perez, Esq. to William Caton, Acting Secretary, Federal Communications Commission (filed May 12, 1994).

⁹ File No. BPIF-951016BM (Indianapolis Application).

4. On June 9, 1994, the Commission partially lifted the freeze to allow major change applications to be filed with respect to existing facilities.¹⁰ On February 7, 1995, the Commission instituted a filing window system for new and major change ITFS applications.¹¹ The Commission stated, “Until the effective date of this order, we will continue the present filing restrictions in effect and accept applications for major changes to existing ITFS facilities and applications relying on NTIA funding.”¹² The order became effective after May 25, 1995.¹³

5. On May 23, 1995, Ball State filed an application to make major changes to ITFS Station WBX257, Indianapolis, Indiana.¹⁴ That application was accepted for filing on September 29, 1996.¹⁵ No petitions to deny or objections were filed against the application. The application was granted on October 14, 1997.¹⁶ No party filed a petition for reconsideration of the grant of that application.

6. On October 20, 1995, Ball State filed an application for new ITFS stations on the A channel group at Anderson, Indiana.¹⁷ Based upon our engineering analysis, Ball State’s application was mutually exclusive with HITN’s application for the A Group channels at Anderson, Indiana. On the same date, Ball State filed an application for a new ITFS Station on the B Group channels at Kokomo, Indiana.¹⁸ Based upon our engineering analysis, that application was mutually exclusive with HITN’s applications for the A Group channels at Anderson and the C Group channels at Indianapolis.

7. On November 20, 1997, HITN’s Indianapolis application was dismissed because HITN’s receive sites were predicted to receive unacceptable levels of adjacent channel interference from Stations WHR808, Indianapolis, Indiana and WFD456, Franklin, Indiana.¹⁹ On December 24, 1997, HITN filed a petition for reconsideration in which it argued that it would employ equipment that would allow successful reception at its receive sites.²⁰ On December 18, 1998, the Chief of the former Video Services Division, Mass Media Bureau (Division) denied HITN’s First Indianapolis Petition.²¹ The Division concluded that HITN had failed to establish its eligibility because none of its receive sites would receive a

¹⁰ Amendment of Part 74 of the Commission’s Rules With Regard to the Instructional Television Fixed Service, MM Docket No. 93-24, *Order and Further Notice of Proposed Rulemaking*, 9 FCC Rcd 3348, 3354 ¶ 43 (1994).

¹¹ Amendment of Part 74 of the Commission’s Rules With Regard to the Instructional Television Fixed Service, MM Docket No. 93-24, *Report and Order*, 10 FCC Rcd 2907 (1995).

¹² *Id.* at 2922 n.129.

¹³ The *Report and Order* was published in the Federal Register on April 25, 1995 (60 Fed. Reg. 20241). The Federal Register summary stated that the effective date would be “[u]pon approval of the Office of Management and Budget of a modified FCC Form 330 to effectuate the modifications approved in this Report and Order.”

¹⁴ File No. BMPLIF-950523DB (Station WBX257 Major Change Application).

¹⁵ New and Major Change ITFS Applications Accepted for Filing, *Public Notice*, Report No. 44096 (rel. Oct. 14, 1997).

¹⁶ Broadcast Actions, *Public Notice*, Report No. 44096 (rel. Oct. 14, 1997).

¹⁷ File No. BPLIF-951020RH (Ball State Anderson Application).

¹⁸ File No. BPLIF-951020HU (Kokomo Application)

¹⁹ See Letter from Clay Pendarvis, Acting Chief, Distribution Services Branch, Video Services Division, Mass Media Bureau to Jose Luis Rodriguez, President, Hispanic Information and Telecommunications Network, Inc. (dated Nov. 20, 1997).

²⁰ Petition for Reconsideration (filed Dec. 24, 1997) (First Indianapolis Petition).

²¹ See Letter from Barbara A. Kreisman, Chief, Video Services Division, Mass Media Bureau to Jose Luis Rodriguez, President, Hispanic Information and Telecommunications Network, Inc. (dated Dec. 18, 1998).

usable signal.²² The Division also rejected HITN's attempt to use an alternative method to compute adjacent channel interference to its proposed facility.²³ HITN filed a petition for further reconsideration on January 19, 1999.²⁴

8. On June 30, 1998, HITN's Anderson Application was dismissed because HITN's receive sites were predicted to receive unacceptable levels of adjacent channel interference from Station WBX257, as modified by the Station WBX257 Major Change Application.²⁵ On August 14, 1998, HITN filed a petition for reconsideration contending that it was improper for the Division's Distribution Services Branch to consider Station WBX257 as modified by the Station WBX257 Major Change Application in evaluating HITN's application.²⁶ On November 30, 1998, the Division denied HITN's First Anderson Petition.²⁷ The Division concluded that HITN had failed to establish its eligibility because none of its receive sites would receive a usable signal.²⁸ HITN filed the instant petition for further reconsideration on December 30, 1998.²⁹

9. Ball State's Kokomo application was accepted for filing on August 21, 1998.³⁰ HITN filed a petition to deny that application on September 21, 1998.³¹ HITN states in its Petition to Deny Ball's application, that HITN's Anderson and Indianapolis Applications would be mutually exclusive with Ball State's Kokomo Application.³² HITN references its pending petitions for reconsideration and

²² *Id.* at 2.

²³ *Id.* at 1.

²⁴ See Second Indianapolis Petition. On February 12, 1999 and February 24, 1999, Ball State filed requests for extension of time to oppose the Second Indianapolis Petition. Ball State filed its opposition on March 3, 1999. On March 15, 1999, HITN requested additional time to file a reply. On March 23, 1999, HITN filed a reply. On March 24, 1999, HITN filed a motion requesting acceptance of its untimely reply. We conclude that the public interest would be served by considering Ball State's opposition and HITN's reply. We therefore grant their respective motions.

²⁵ See Letter from Clay Pendarvis, Acting Chief, Distribution Services Branch, Video Services Division, Mass Media Bureau to Jose Luis Rodriguez, President, Hispanic Information and Telecommunications Network, Inc. (dated Jun. 30, 1998).

²⁶ Petition for Reconsideration (filed Jul. 30, 1998) (First Anderson Petition).

²⁷ See Letter from Barbara A. Kreisman, Chief, Video Services Division, Mass Media Bureau to Jose Luis Rodriguez, President, Hispanic Information and Telecommunications Network, Inc. (dated Dec. 18, 1998).

²⁸ *Id.* at 2.

²⁹ See Second Anderson Petition. On February 12, 1999 and February 24, 1999, Ball State filed requests for extension of time to oppose the Second Indianapolis Petition. Ball State filed its opposition on March 3, 1999. On March 15, 1999, HITN requested additional time to file a reply. On March 23, 1999, HITN filed a reply. On March 24, 1999, HITN filed a motion requesting acceptance of its untimely reply. We conclude that the public interest would be served by considering Ball State's opposition and HITN's reply. We therefore grant their respective motions.

³⁰ Broadcast Applications Accepted for Filing, *Public Notice*, Report No. 24313A (rel. Aug. 26, 1998).

³¹ See Kokomo Petition. On October 1, 1998, Ball State filed a request for extension of time to file an opposition. We grant that motion. On October 19, 1998, Ball State filed its opposition. HITN filed a reply on October 29, 1998. On November 16, 1998, Ball State filed a request for leave to file a response to HITN's reply. We deny that request because Ball State's response addresses an issue that does not deem decisional in this proceeding. Accordingly, we will not consider Ball State's November 16, 1998 response or HITN's November 25, 1998 Motion to Strike and Opposition to Leave Request.

³² Kokomo Petition at 2.

argues that because of its pending petitions for reconsideration, it was error to accept the Kokomo Application for filing.³³

10. On August 24, 1998, Ball State's Anderson Application was granted.³⁴ On September 28, 1998, HITN filed a petition for reconsideration of that grant.³⁵ On January 4, 1999, the Chief of the Division's Distribution Services Branch denied HITN's petition for reconsideration.³⁶ HITN filed a request for stay of the grant on February 3, 1999.³⁷ On February 18, 2000, Ball State certified that it had constructed the station.³⁸

III. DISCUSSION

11. *HITN Indianapolis Application.* HITN argues that the dismissal of this application is inconsistent with section 74.903 of the Commission's Rules.³⁹ HITN argues that by using notch filters, it will be able to receive a usable signal at its receive sites.⁴⁰ HITN argues that the dismissal of its application elevates "theory over practice" and that the dismissal of its application is inconsistent with the Commission's interpretation of section 74.903 of the Commission's Rules, which sets forth the criteria new applicants must meet to avoid causing interference to other stations. HITN further argues that section 74.903 contemplates that interference concerns should be addressed in a manner that maximizes the number of licensees and instructional services.⁴¹

12. We reject HITN's arguments. Section 74.932(a) of the Commission's Rules states, in relevant part, that an ITFS license "will be issued only to an accredited institution or to a governmental organization engaged in the formal education of enrolled students or to a nonprofit organization...."⁴² An applicant who seeks to establish its ITFS license eligibility by providing service to accredited institutional or governmental organizations "must submit documentation from proposed receive sites demonstrating that they will receive and use the applicant's educational usage."⁴³ If a receive site is unable to receive an applicant's signal because of interference from another station, the applicant cannot demonstrate that the receive site will be able to receive and use the educational programming. In this case, using the definition

³³ *Id.*

³⁴ See Broadcast Actions, Report No. 44315, *Public Notice* (rel. Aug. 28, 1998).

³⁵ First Anderson Petition.

³⁶ See Letter from Clay Pendarvis, Acting Chief, Distribution Services Branch, Video Services Division, Mass Media Bureau to Jose Luis Rodriguez, President, Hispanic Information and Telecommunications Network, Inc. (dated Jan. 4, 1999).

³⁷ See Stay Request. On February 12, 1999 and February 24, 1999, Ball State filed requests for extension of time to oppose the Stay Request. Ball State filed its opposition on March 3, 1999.

³⁸ Letter from Edward J. Tully, Director of System Development, to Magalie R. Salas, Secretary, Federal Communications Commission (filed Feb. 18, 2000).

³⁹ Second Indianapolis Petition at 2.

⁴⁰ *Id.* at 7.

⁴¹ *Id.*

⁴² 47 C.F.R. § 74.932(a).

⁴³ 47 C.F.R. § 74.932(a)(4). See, e.g., *Zion Lutheran School et al., Memorandum Opinion and Order*, 8 FCC Rcd 3606 ¶ 3 (1993) (stating that by failing to submit the appropriate letter of intended use, the applicant fails to demonstrate its qualifications and the application must be dismissed).

of interference used in section 74.903(b) of the Commission's Rules, staff of the Division concluded that HITN would be unable to serve its receive sites because of interference from other stations.⁴⁴

13. HITN argues that it should be able to use notch filters to improve the reception at the receive sites.⁴⁵ We reject this proposal for two reasons. First, HITN did not make this proposal until after its application was dismissed, when it filed its first petition for reconsideration.⁴⁶ Section 1.106 of the Commission's Rules requires petitions to cite the findings of fact and/or conclusions of law that the petitioner believes are erroneous, and state with particularity the respects in which such findings and conclusions should be changed.⁴⁷ HITN provides no basis on which to conclude that the dismissal of its application was improper based on the information before the Division when it rendered its decision. Consequently, we find that HITN has failed the threshold requirement to obtain reconsideration.

14. We nonetheless note that even if HITN had presented its proposal in the original application, we believe it still would have been subject to dismissal absent a request for waiver of the Commission's Rules. Section 74.903(a) of the Commission's Rules states that interference shall be calculated using free space calculations (*i.e.*, without using filters);⁴⁸ thus, HITN's proposal is inconsistent with the plain language of the rule. If HITN had wanted the staff to use a means of calculating interference that was at variance from the Rules, it was required to have requested a waiver of the rule and justify its waiver request.⁴⁹ Accordingly, we affirm the Division's determination that HITN's Indianapolis Application was defective.⁵⁰

15. *HITN Anderson Application.* HITN argues that it was error to dismiss its Anderson Application because of interference it would receive from Station WBX257, as modified. HITN notes that Ball State filed its modification application after HITN filed the Anderson Application and that its application and the modification application for Station WBX257 should have been considered mutually exclusive.⁵¹ In response, Ball State argues that the modification application for Station WBX257 was properly processed and granted before HITN's Anderson Application was filed.⁵² Ball State also argues that HITN's application is an untimely petition for reconsideration of the grant of the Station WBX257

⁴⁴ See Letter from Clay Pendarvis, Acting Chief, Distribution Services Branch, Video Services Division, Mass Media Bureau to Jose Luis Rodriguez, President, Hispanic Information and Telecommunications Network, Inc. (dated Nov. 20, 1997).

⁴⁵ Second Indianapolis Petition at 5-6.

⁴⁶ First Indianapolis Petition at 2-3.

⁴⁷ See Mike Gruss, *Order on Reconsideration*, 17 FCC Rcd 466 ¶ 3 (WTB PSPWD 2002); Federal Express Corporation, *Order*, 15 FCC Rcd 4289, 4293 n.40 (WTB PSPWD 2000). 47 C.F.R. § 1.106(d)(1).

⁴⁸ 47 C.F.R. § 74.903(a) ("Harmful interference will be considered present when the reference receiving antenna is oriented to receive the maximum desired signal, and a free space calculation determines that the desired to undesired signal ratio is less than the value specified for the respective channel under consideration").

⁴⁹ See 47 C.F.R. § 73.3566(a) (applications which are patently not in accordance with the rules and do not contain a request for waiver will be dismissed as defective).

⁵⁰ The Division did not address Ball State's argument that the Indianapolis Application was also defective because HITN would cause interference to Stations WNC277 and WNC278, Napoleon, Indiana. See Ball State Opposition at 6-8. In light of the fact that we affirm the Division's action, we will not address that argument here.

⁵¹ *Id.* at 8.

⁵² Ball State Anderson Opposition at 4-7.

modification application.⁵³ Ball State also argues that HITN lacks the financial qualifications needed to have its application granted.⁵⁴

16. Based upon the information before us, it appears that HITN may have had a valid argument that the Station WBX257 Modification Application, which was filed after the Anderson Application, should have been considered mutually exclusive with the Anderson Application. While the Commission stated that applications such as HITN's would be deemed cut-off as of the first application filing window for new stations,⁵⁵ the Commission never indicated that later-filed major change applications should be processed without regard to the earlier filed applications for new stations.

17. Ultimately, however, we need not address that issue because the grant of the Station WBX257 Modification Application is a final action. HITN neither opposed the grant of that application nor sought reconsideration of that grant. In light of our conclusion that HITN's proposed receive sites could not receive a useable signal because of interference from Station WBX257 (a conclusion that HITN does not dispute), we could not grant HITN's Anderson Application without revisiting our grant of the Station WBX257 Modification Application.

18. We believe that revisiting the grant would be inconsistent with the Commission's decision in *Steven S. Bosshard d/b/a Bosshard Radio Services*.⁵⁶ In that case, the Licensing and Technical Analysis Branch (Branch), Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, dismissed the subject application on the basis that it was inconsistent with a particular 47 C.F.R. Part 90 rule provision, and did not include a waiver request.⁵⁷ Bosshard then filed a request for reconsideration of the Branch's decision and requested a waiver of the relevant rule provision. Subsequently, the Branch granted him a waiver and reinstated his application for further processing.⁵⁸ Seven months later, however, the Branch denied Bosshard's reconsideration petition and waiver request, and dismissed the associated application.⁵⁹ The Commission held that because thirty days had passed between (a) the date when the Branch granted him a waiver and reinstated his application, and (b) the date when the Branch dismissed the application, Section 1.113(a) of the Commission's Rules had been violated.⁶⁰ Section 1.113(a) provides that a person, panel or board action pursuant to delegated authority has thirty days to modify or set aside its decision on its own motion.⁶¹ Similarly, in the instant case, if we were to revisit the grant of the Station WBX257 Modification Application, we believe such action would be inconsistent with Section 1.113(a). HITN has not explained why it failed to file a timely objection to the grant of the Station WBX257 Modification Application. Moreover, HITN does not

⁵³ *Id.* at 7.

⁵⁴ *Id.* at 8-9.

⁵⁵ Amendment of Part 74 of the Commission's Rules With Regard to the Instructional Television Fixed Service, *supra*, 8 FCC Rcd at 1277 ¶ 9.

⁵⁶ *Steven S. Bosshard D/B/A Bosshard Radio Services, Memorandum Opinion and Order*, 14 FCC Rcd 20586 (1999).

⁵⁷ *Id.*, 14 FCC Rcd at 20588.

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Id.* citing 47 C.F.R. § 1.113(a).

⁶¹ 47 C.F.R. § 1.113(a). In another case involving Section 1.113(a), the Commission held that the Branch is not authorized to rescind a decision regarding applications for station modification, after the Section 1.113(a) thirty-day period had elapsed. *See County of San Mateo, California, Order on Review and Reconsideration*, 16 FCC Rcd 4291 (2001).

challenge the conclusion that it will be unable to serve its proposed receive sites because of the modified facilities of Station WBX257. Under these circumstances, we affirm the dismissal of the Anderson Application.

19. *Ball State Applications.* We dismiss HITN's petition to deny Ball State's Kokomo Application. HITN's petition argues that Ball State's proposed station would cause interference to its proposed Anderson and Indianapolis stations and that the applications should therefore be considered mutually exclusive.⁶² In light of our conclusion that the Indianapolis and Anderson applications were properly dismissed, we conclude that HITN lacks standing to file a petition to deny against the Kokomo Application. To establish standing, a petitioner must make specific allegations of fact sufficient to demonstrate that grant of the subject application would cause the petitioner to suffer a direct injury.⁶³ Additionally, the petitioner must establish a causal link between the claimed injury and the challenged action by demonstrating that the injury can be traced to the challenged action and the injury would be prevented or redressed by the relief requested.⁶⁴ In this case, HITN cannot show that the grant of the Kokomo Application would cause it any injury because we have independently concluded that the Indianapolis and Anderson Applications were properly dismissed. Accordingly, since the grant of the Kokomo Application would not cause any direct injury to HITN, we dismiss its petition to deny.⁶⁵

20. We also deny HITN's request for a stay of the grant of Ball State's application for a new ITFS station at Anderson, Indiana. HITN seeks a stay pending final action on its Anderson Application.⁶⁶ "To receive a stay of an administrative action, a party must show that: 1) it will suffer irreparable harm if the stay is not granted, 2) it is likely to prevail on the merits of its appeal, 3) the grant of a stay will not harm other interested parties, and 4) the grant would serve the public interest."⁶⁷ After reviewing HITN's motion, we are not persuaded that grant of the requested relief is warranted under the circumstances presented. In light of our action affirming the dismissal of HITN's Anderson Application, we conclude that HITN has not shown a likelihood of prevailing on the merits. Moreover, since Ball State has constructed its Anderson facility, a stay would harm Ball State and its students by forcing the station off the air. Under these circumstances presented in this matter, we do not believe that a stay is warranted.

IV. CONCLUSION AND ORDERING CLAUSES

21. We deny HITN's petitions for reconsideration of the dismissal of its Indianapolis and Anderson applications. In light of those actions, we dismiss HITN's petition to deny Ball State's Kokomo application and its petition for stay of the grant of Ball State's Anderson application.

22. Accordingly, IT IS ORDERED, pursuant to Sections 4(i) and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 405, and Section 1.106 of the Commission's Rules, 47 C.F.R. § 1.106, that the petitions for reconsideration filed by Hispanic Information and Telecommunications Network on December 30, 1998 and January 19, 1999 ARE DENIED.

⁶² Kokomo Petition at 2.

⁶³ See Alaska Native Wireless, LLC, *Order*, 17 FCC Rcd 4231, 4235 (WTB 2002).

⁶⁴ *Id.*

⁶⁵ In any event, we note that HITN's Petition does not allege that the Kokomo Application is defective in any way.

⁶⁶ Stay Request at 1.

⁶⁷ Wireless Telco, *Order*, 15 FCC Rcd 10223, 10225 ¶ 7 (WTB PSPWD 2000) (citing *Virginia Petroleum Jobbers Association v. FPC*, 259 F.2d 291 (D.C. Cir. 1958), *as revised by Washington Metropolitan Area Transit System v. Holiday Tours, Inc.*, 559 F.2d 841 (D.C. Cir. 1977)).

23. IT IS FURTHER ORDERED, pursuant to Sections 4(i) and 309 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 309, and Section 74.912 of the Commission's rules, 47 C.F.R. § 74.912, that the Petition to Deny filed by Hispanic Information and Telecommunications Network against File No. BPLIF-951020HU IS DISMISSED.

24. IT IS FURTHER ORDERED, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i) and Sections 1.46 of the Commission's Rules, 47 C.F.R. § 1.46, that the Motions for Extension of Time filed by Ball State University on October 1, 1998, February 12, 1999, February 24, 1999 and by Hispanic Information and Telecommunications Network on March 15, 1999 ARE GRANTED.

25. IT IS FURTHER ORDERED, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i) and Sections 1.46 of the Commission's Rules, 47 C.F.R. § 1.46, that the Requests for Leave for Late Filing of Reply filed by Hispanic Information and Telecommunications Network on March 24, 1999 ARE GRANTED.

26. IT IS FURTHER ORDERED, pursuant to Sections 4(i) and 309 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 309, and Sections 74.912 and 74.939 of the Commission's rules, 47 C.F.R. §§ 74.912, 74.939, that the Licensing and Technical Analysis Branch, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, SHALL PROCESS application File No. BPLIF-951020HU filed by Ball State University consistent with the applicable Commission rules and policies.

27. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATION COMMISSION

D'wana R. Terry
Chief, Public Safety and Private Wireless Division
Wireless Telecommunications Bureau